

**SUPREME COURT MINUTES
WEDNESDAY, AUGUST 17, 2011
SAN FRANCISCO, CALIFORNIA**

S064306**PEOPLE v. FAMALARO
(JOHN JOSEPH)**

Rehearing denied
The petition for rehearing is denied.

S085348**PEOPLE v. CASTANEDA
(GABRIEL)**

Rehearing denied; opinion modified
The opinion is modified.
The petition for rehearing is denied.

S085348**PEOPLE v. CASTANEDA
(GABRIEL)**

Opinion modified - no change in judgment

S194107 G042923 Fourth Appellate District, Div. 3**PEOPLE v. COTTONE (LEE
VINCENT)**

Petition for review granted
Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegard, Chin, and Corrigan, JJ.

S122097**NAVARETTE (MARTIN) ON
H.C.**

Petition for writ of habeas corpus denied (AA)

The amended petition for writ of habeas corpus, filed on July 27, 2005, is denied on the merits, with the exception of Claim 15, which is denied as premature without prejudice to its renewal after an execution date is set.

Claim Two additionally is procedurally barred because it could have been, but was not, raised at trial. (*In re Seaton* (2004) 34 Cal.4th 193, 201, fn. 4.) Justice Werdegard would not apply the *Seaton* bar to this claim.

Except insofar as it alleges ineffective assistance of counsel, Claim Twelve additionally is procedurally barred to the extent it was raised and rejected on appeal. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S195160 H034639 Sixth Appellate District

**PEOPLE v. GERBER
(JOSEPH LOWELL)**

The court declines to review this matter on its own motion. The matter is now final.
Baxter, J., is of the opinion the petition should be granted.

S192713 A127555 First Appellate District, Div. 2

**CENTER FOR BIOLOGICAL
DIVERSITY v. CALIFORNIA
FISH & GAME COMMISSION**

Petition for review & depublication request(s) denied

S192813 B219819 Second Appellate District, Div. 5

**PEOPLE v. SPENCER
(ROBERTO)**

Petitions for review denied

S193043 D056137 Fourth Appellate District, Div. 1

**PEOPLE v. TERRY
(PATRICK DONOVAN)**

Petition for review denied

S193101 D058082 Fourth Appellate District, Div. 1

**PEOPLE v. OLIVAREZ (JOSE
GUMECINDO)**

Petitions for review denied

S193409 B222349 Second Appellate District, Div. 1

**PEOPLE v. HERNANDEZ
(JORGE JUAREZ)**

The petition for review is denied without prejudice to any relief to which petitioner may be entitled should he challenge the enhancement of his sentence under subdivision (d) of Penal Code section 12022.

S193519 H036435 Sixth Appellate District

**KILLIAN (ROSS RICHARD)
ON H.C.**

Petition for review denied

S193621 F059097 Fifth Appellate District

**PEOPLE v. THOMAS
(JARVIS VERDELL CRUMB)**

Petition for review denied

S193627 G043937 Fourth Appellate District, Div. 3
Petition for review denied

PEOPLE v. S.C. (RIGBY)

S193668 B233182 Second Appellate District, Div. 4
Petition for review denied

**FLORES (BENANCIO) v. S.C.
(PEOPLE)**

S193680 H034167 Sixth Appellate District
Petition for review denied

**PEOPLE v. YEPEZ
(VIRGELIO GARCIA)**

S193711 C059083 Third Appellate District
Petition for review denied

**PEOPLE v. GIL (COSME
EDUARDO)**

S193741 B224731 Second Appellate District, Div. 2
Petition for review denied
Baxter, J., is of the opinion the petition should be granted.

**PEOPLE v. KENNER
(BRYAN)**

S193760 B223366 Second Appellate District, Div. 8
Petition for review denied

**SHAHINIAN (HRAYR) v.
CEDARS-SINAI MEDICAL
CENTER**

S193771 H034349 Sixth Appellate District
Petition for review denied

**PEOPLE v. POWELL
(DARIAN MANUEL)**

S193781 A125106 First Appellate District, Div. 5
Petition for review denied

PEOPLE v. YE (LINNA)

S193829 B223003 Second Appellate District, Div. 6
Petition for review denied

**PEOPLE v. BRYANT
(MICHAEL ALEXANDER)**

S193852 B233112 Second Appellate District, Div. 8 **CROCKETT (MICHAEL DAVID) v. S.C. (PEOPLE)**

Petition for review denied

The request for judicial notice, filed by the City Attorney, City of Torrance, is granted.

S193856 D056482 Fourth Appellate District, Div. 1 **IN RE CEDRIC B.**
Petition for review denied

S193860 C064667 Third Appellate District **PEOPLE v. LEONARD (DAVID GERALD)**

Petition for review denied

S193862 H035083 Sixth Appellate District **PEOPLE v. VELASCO (ERNEST JACINTO)**

Petition for review denied

S193880 B217486 Second Appellate District, Div. 4 **PEOPLE v. THEUS (RICHARD)**

Petitions for review denied

S193913 A126386 First Appellate District, Div. 5 **PEOPLE v. WATERS, SR., (KENNETH LAVERN)**

Petition for review denied

S193960 A125732 First Appellate District, Div. 2 **BENJAMIN, WEILL & MAZER v. KORS (NANCY HURWITZ)**

Petition for review & depublication request(s) denied

S193961 B216425 Second Appellate District, Div. 3 **PEOPLE v. SPECTOR (PHILLIP)**

Petition for review denied

S193986 E050191 Fourth Appellate District, Div. 2

Petition for review & depublication request(s) denied

**GONZALEZ (VICTOR) v.
DEPARTMENT OF
CORRECTIONS &
REHABILITATION**

S194078 H034960 Sixth Appellate District

Petition for review denied
Baxter, J., was recused and did not participate.

**ANDRADE (DAMON L.) v.
S.C. (MHC OPERATING
LIMITED PARTNERSHIP)**

S194081 D056233 Fourth Appellate District, Div. 1
Petition for review denied

PEOPLE v. LEWIS (FRANK)

S194084 D055604 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. OLVERA
(GUILLERMO)**

S194096 G045128 Fourth Appellate District, Div. 3

Petition for review denied

**RITZ (KYLE) v. S.C. (IRVINE
APARTMENT
COMMUNITIES, INC.)**

S194131 D057580 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. JACKSON
(DAIRIAN)**

S194141 C065273 Third Appellate District
Petition for review denied

IN RE J.T.

S194165 A128876 First Appellate District, Div. 1

Petition for review denied

**RYAN (STEPHEN) v. SAN
FRANCISCO PLANNING
DEPARTMENT (2655 BUSH
STREET, LLC)**

S194249 B226758 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. ELLIS
(RUDOLPH)**

S194287 D056812 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MILES, JR.,
(ANTHONY RENARD)**

S194308 B218508 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. TAYLOR (LARRY
DARNELL)**

S194309 E050750 Fourth Appellate District, Div. 2

Petition for review denied

**EDWARDS (JEAN MARIE)
ON H.C.**

S194340 G043539 Fourth Appellate District, Div. 3

Petition for review denied

**CUEVA (BRETT) v.
JOHNSON (PERRY)**

S194355 B220481 Second Appellate District, Div. 1

Petition for review denied

**COOPER (MARY) v. LEEPER
(DAVID M.)**

S194368 B222740 Second Appellate District, Div. 7

Petition for review denied

**PAVELIC (ANTE) v. MARINO
(GIL)**

S194384

Petition for writ of mandate/prohibition denied

YE (LINNA) v. S.C. (PEOPLE)

S194392 G041225 Fourth Appellate District, Div. 3

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**PEOPLE v. SIFUENTES
(RENO PHILLIP)**

S194396 F060131 Fifth Appellate District

Petition for review denied

PEOPLE v. POOL (KENNETH MILLARD)

S194433

WRIGHT (ERIC L.) v. COURT OF APPEAL, SECOND APPELLATE DISTRICT, DIVISION EIGHT (PEOPLE)

Petition for writ of mandate/prohibition denied

S194438 H036895 Sixth Appellate District

CABRERA (EDIBERTO) v. S.C. (PEOPLE)

Petition for review denied

Werdegar, J., is of the opinion the petition should be granted.

S194482 B223965 Second Appellate District, Div. 6

PEOPLE v. MICHAELOV (MAKDON)

Petition for review denied

S194487 G044185 Fourth Appellate District, Div. 3

SUI (YAN) v. PRICE (STEPHEN D.)

Petition for review denied

S194539 C064455 Third Appellate District

PEOPLE v. WALL (JEFFREY BOYD)

Petition for review denied

S194564 G043306 Fourth Appellate District, Div. 3

NIMMO (ERIC) v. MONTAGE HOTELS & RESORTS, LLC

Petition for review denied

S194605 E051139 Fourth Appellate District, Div. 2

IN RE J.W.

Petition for review denied

S194624 B216951 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. JOHNSON
(CHRISTOPHER)**

S194650 B221572 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. LIMACO
(ANTHONY)**

S194653 E050728 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. PESQUEIRA
(SERGIO ALONSO)**

S194669 B221863 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. JARAMILLO
(VINICIO)**

S194674 C068527 Third Appellate District

Petition for review denied

**BONTEMPS (GREGORY C.)
ON H.C.**

S194677 E050089 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. PADILLA
(ROBERT JIMINEZ)**

S194690 C062717 Third Appellate District

Petition for review denied

**PEOPLE v. MACK (RASHAD
DELRICO)**

S194694 D056795 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. EGGSON
(RICHARD BRIAN)**

S194695 C066950 Third Appellate District

Petition for review denied

**PEOPLE v. MILLAR (DEVINE
FELICE)**

S194706 C063471 Third Appellate District

Petition for review denied

**COOK (ROBERT A.) v. COOK
III (CARROLL)**

S194707 B220470 Second Appellate District, Div. 4

Petition for review & publication request(s) denied

**RADELL (MARY RIVERA) v.
PARK WILSHIRE
HOMEOWNERS
ASSOCIATION**

S194709 A127552 First Appellate District, Div. 5

Petition for review denied

**N. (JACOB),
CONSERVATORSHIP OF**

S194712 E050810 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CRESPO
(EDMUNDO)**

S194713 B223276 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. PEREZ
(ANTELMO CRUZ)**

S194720 H036067 Sixth Appellate District

Petition for review denied

The request for judicial notice is granted.

**PEOPLE v. GALLARDO
(GUSTAVO)**

S194729 D058568 Fourth Appellate District, Div. 1

Petition for review denied

**CLARK (GRANT L.) v. S.C.
(VERISIGN, INC.)**

S194741 G040635 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CRUMAL (PAUL
VERNON)**

S194747 E051464 Fourth Appellate District, Div. 2 **PEOPLE v. RASHEED
(WAYNE)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Brown*, S181963.

S194754 B217993 Second Appellate District, Div. 2 **PEOPLE v. KORDIAN
(FRAYDUN AHMAD)**

Petition for review denied

S194769 A132336 First Appellate District, Div. 1 **BROWN (NERRAH) v. S.C.
(PEOPLE)**

Petition for review denied

S194777 E050642 Fourth Appellate District, Div. 2 **IN RE M.D.**
Petition for review denied

S194779 C065485 Third Appellate District **PEOPLE v. BLOCKTON
(DARIN DUREL)**

Petition for review denied

S194783 D056304 Fourth Appellate District, Div. 1 **PEOPLE v. HURN (ARCHIE
L.)**

Petition for review denied

S194785 A129049 First Appellate District, Div. 1 **PEOPLE v. ORTIZ
(ALFREDO)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Brown*, S181963, and *People v. Lara*, S192784.

S194813 A126863 First Appellate District, Div. 1 **PEOPLE v. STACY
(DOMINIC C.)**

Petition for review denied

S194815 H035937 Sixth Appellate District

Petition for review denied

PEOPLE v. SCOTT (ANDRE DEE)

S194817 F058997 Fifth Appellate District

Petition for review denied

PEOPLE v. HERNANDEZ (MARCO ANTONIO)

S194821 D055728 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. TRAN (HOANG MINH)

S194825 D056828 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. RAMOS (ROLANDO LUDA)

S195111 B234334 Second Appellate District, Div. 7

Petition for review & application for stay denied

GHAZERIAN (IREN) v. S.C. (DOBKIN)

S195262 B232641 Second Appellate District, Div. 1

Petition for review & application for stay denied

PALMCREST GRAND CARE CENTER, INC. v. S.C. (CHANDLER)

S195275 B234438 Second Appellate District, Div. 7

Petition for review & application for stay denied

DELGADO (ROSA LOMBERA) v. ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD OF THE STATE OF CALIFORNIA (DEPARTMENT OF ALCHOLIC BEVERAGE CONTROL)

S195467 H036839 Sixth Appellate District

**SHELL OIL COMPANY v.
S.C. (EAST CLIFF DRIVE,
LLC)**

Petition for review & application for stay denied

S195478

**KOLKEY (TERRY RICHARD)
ON DISCIPLINE**

The petition for writ of review and the application for stay or emergency relief are denied.

S195513

**ISMAIL (NIVEEN) v. COURT
OF APPEAL, FOURTH
APPELLATE DISTRICT,
DIVISION THREE (PEOPLE)**

Petition for writ of mandate/prohibition denied

S180068

PRATT (DENNIS W.) ON H.C.

Petition for writ of habeas corpus denied

Kennard, J., is of the opinion an order to show cause should be issued.

S190266

**HAYES (HENRY CEPHUS)
ON H.C.**

Petition for writ of habeas corpus denied

S190287

MEJIA (JOSE LUIS) ON H.C.

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S190290

**MAYORGA (MARIO) ON
H.C.**

Petition for writ of habeas corpus denied

S190319

CASTILLO (RAUL) ON H.C.

Petition for writ of habeas corpus denied

S190361**BAYRAMOGLU (FIKRI
TURK YILMAZ) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S190594**SPARKS (AARON) ON H.C.**

Petition for writ of habeas corpus denied

S190737**BARROCA (ROBERT) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S190800**FRAZIER (RICHARD) ON
H.C.**

Petition for writ of habeas corpus denied

S190851**CAESAR (DANNY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S191012**HUDSON (MICHAEL W.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S191014**GUTIERREZ (LUIS CUEVAS)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S191050**FEARANCE (JAQUES) ON
H.C.**

Petition for writ of habeas corpus denied

S191062**NELSON (LASCHELL) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S191169**WILLIAMSON (STEPHEN R.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S191211**NORMAN (WELDON) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S191212**SMITH (LORENZO) ON H.C.**

Petition for writ of habeas corpus denied

S191215**GALAVIZ (NICANDRO) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S191216**CULBERSON (KEVIN) ON
H.C.**

Petition for writ of habeas corpus denied

S191217**VANG (XAI) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S191248**SIGUENZA (MARLON
EDGARDO) ON H.C.**

Petition for writ of habeas corpus denied

S191265**OLIVER (JAMES LUCIOUS)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S191313**WILLIAMS (GARY) ON H.C.**

Petition for writ of habeas corpus denied

S191322**WILLIAMSON (STEPHEN R.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S191326**ZIEMANN (KENNETH
ARTHUR) ON H.C.**

Petition for writ of habeas corpus denied

S191344**TUNG (BALWINDER SINGH)
ON H.C.**

Petition for writ of habeas corpus denied

S191358**MENA (TRISTAN) ON H.C.**

Petition for writ of habeas corpus denied

S191360**COOK (MICHAEL
CHARLES) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S191369**GRAY (GREGORY LEE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S191370**TREVINO (LORENZO G.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S191372**BELL (HORACE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S191374**TURNER (JEROME) ON H.C.**

Petition for writ of habeas corpus denied

S191392**O'DONOVAN (LUIS F.) ON H.C.**

Petition for writ of habeas corpus denied

S191426**MOORE (JOSEPHINE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S191467**McCLORE (WILBUR) ON H.C.**

Petition for writ of habeas corpus denied

S191480**HARRELL (ALVIN) ON H.C.**

The petition for writ of habeas corpus is denied as moot.

S191505**JOHNSON (OSHAY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S191506**FOSTER (CARLOS) ON H.C.**

Petition for writ of habeas corpus denied

S191508**MELGOZA (HECTOR
MICHAEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S192204**BELL (HORACE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S192207**GALAVIZ (NICANDRO) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S192453**BELL (HORACE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.)

S192454**BELL (HORACE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S192483**CERVANTES (RUBEN TONY)
ON H.C.**

Petition for writ of habeas corpus denied

S193361**HUDSON (MICHAEL) ON
H.C.**

Petition for writ of habeas corpus denied

S193579**FEARANCE (JAQUES) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S193989

Petition for writ of habeas corpus denied

JOHNSON (OSHAY) ON H.C.**S194177**

Petition for writ of habeas corpus denied

JOHNSON (OSHAY) ON H.C.**S194284**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

BELL (HORACE) ON H.C.**S194425**

Petition for writ of habeas corpus denied

**FOURNIER (MONIQUE
EDITHE) ON H.C.****S194558**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

HUNTER (DAVID) ON H.C.**S194762**

Petition for writ of habeas corpus denied

**CAVANAGH (PETER J.) ON
H.C.****S194767**

Petition for writ of habeas corpus denied

JOHNSON (OSHAY) ON H.C.**S194879**

Petition for writ of habeas corpus denied

**McKNIGHT (DARRELL
VINCENT) ON H.C.****S194913**

Petition for writ of habeas corpus denied

**EAST (EBONE LEROY) ON
H.C.**

S194920**MANFREDONIA (FRANK)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S194939**GALLEGOS (RENE
HIDALGO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Villa* (2009) 45 Cal.4th 1063; *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S195114**SAWYER (RICHARD
DUANE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S195126**GOMEZ (EDUARDO) ON H.C.**

The petition for writ of habeas corpus is denied on the merits.

S195139**HUYNH (CUONG MINH) ON
H.C.**

Petition for writ of habeas corpus denied

S195333**HUNTER (DAVID) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S193733

D057837 Fourth Appellate District, Div. 1

**OGUNSALU (CORNELIUS
OLUSEYI)v. LEWIS (TOM)**

Publication request denied (case closed)

S194409

A127796 First Appellate District, Div. 3

**ROBEY (ASA) v. FORD
MOTOR COMPANY**

Publication request denied (case closed)

The requests for an order directing partial publication of the opinion in the above-entitled appeal are denied.

S194715 G043230 Fourth Appellate District, Div. 3**SCOTT C. MOODY, INC. v.
STARR SURGICAL
COMPANY/(CALLAHAN)**

Depublication request denied (case closed)

S195153 G043778 Fourth Appellate District, Div. 3**McGILL (SUSAN) v. S.C.
(PEOPLE)**

Depublication request denied (case closed)

The request for an order directing depublication of the opinion in the above-entitled case is denied. The court declines to review this matter on its own motion. The matter is now final.

S040704**PEOPLE v. JOHNSEN (BRIAN
DAVID)**

Extension of time granted

Good cause appearing, and based upon counsel Neoma Kenwood's representation that she anticipates filing the appellant's opening brief by July 2, 2012, counsel's request for an extension of time in which to file that brief is granted to October 17, 2011. After that date, only five further extensions totaling about 260 additional days are contemplated.

S079925**PEOPLE v. MORA (JOSEPH
ADAM) & RANGEL (RUBEN)**

Extension of time granted

Good cause appearing, and based upon counsel Tara K. Hoveland's representation that she anticipates filing appellant Ruben Rangel's reply brief by October 17, 2011, counsel's request for an extension of time in which to file that brief is granted to October 17, 2011. After that date, no further extension is contemplated.

S102166**PEOPLE v. SIMON
(RICHARD NATHAN)**

Extension of time granted

Good cause appearing, and based upon counsel Kimberly J. Grove's representation that she anticipates filing the appellant's reply brief by November 30, 2011, counsel's request for an extension of time in which to file that brief is granted to October 17, 2011. After that date, only one further extension totaling about 45 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S106274**PEOPLE v. CARO (SOCORRO
SUSAN)**

Extension of time granted

Good cause appearing, and based upon counsel Tracy J. Dressner's representation that she anticipates filing the appellant's opening brief by May 2012, counsel's request for an extension of time in which to file that brief is granted to October 14, 2011. After that date, only four further extensions totaling about 230 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S118629**PEOPLE v. WILLIAMS, JR.,
(ROBERT LEE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General James H. Flaherty III's representation that he anticipates filing the respondent's brief by November 17, 2011, counsel's request for an extension of time in which to file that brief is granted to October 18, 2011. After that date, only one further extension totaling about 30 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S138474**PEOPLE v. ANDERSON
(ERIC STEVE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 7, 2011.

S141274**PEOPLE v. ABBOTT (JOE
HENRY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 11, 2011.

S152737**PEOPLE v. CORDOVA
(JOSEPH SEFERINO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 18, 2011.

S175920**PEARSON (MICHAEL
NEVAIL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Gregg E. Zywicke's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by February 15, 2012, counsel's request for an extension of time in which to file that document is granted to October 11, 2011. After that date, only two further extensions totaling about 120 additional days are contemplated.

S176620

B211622 Second Appellate District, Div. 1

**PEOPLE v. GUTIERREZ
(HUGO)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the supplemental brief is extended to August 26, 2011.

S180912**ADCOX (KEITH EDWARD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Wendy Peoples's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 14, 2011, counsel's request for an extension of time in which to file that document is granted to October 14, 2011. After that date, no further extension is contemplated.

S192176

B214397 Second Appellate District, Div. 4

PEOPLE v. LEIVA (JOSE)

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to September 12, 2011.

S192704

B220174 Second Appellate District, Div. 1

**PEOPLE v. DELGADO
(MILDRED)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to September, 12, 2011.

S194129

D056998 Fourth Appellate District, Div. 1

VICKS (MICHAEL) ON H.C.

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to September 2, 2011.

S049596**PEOPLE v. BRYANT
(STANLEY), SMITH
(DONALD FRANKLIN) &
WHEELER (LEROY)**

Order filed

Respondent's "Request for Clarification re: Appointment of Experts for Competency Assessment," filed on May 8, 2011, is granted.

Pending before this court is appellant Wheeler's motion for the appointment of appellant's counsel as guardian ad litem for purposes of pursuing habeas corpus relief. Appellant's motion asserts that counsel in the past was unable to obtain needed documents and other materials because appellant Wheeler refused to cooperate with counsel, and that the failure to cooperate may have been the result of appellant's mental deficiencies, not a rational decision by appellant to choose not to cooperate with counsel. Accordingly, because an assessment of the merits of the motion entails the resolution of factual questions, which this court (as an appellate tribunal) is not well situated to undertake, by order dated June 17, 2010, this court appointed the Honorable George G. Lomeli, Judge of the Superior Court of California, County of Los Angeles, to serve as a referee to make findings of fact and recommendations concerning "whether (1) appellant Leroy Wheeler is presently unable, as a result of mental disorder, to understand the nature of appellate counsel's attempts to investigate grounds for the filing of a petition for a writ of habeas corpus; and (2) appellant Wheeler's counsel, Conrad Petermann, should be appointed as guardian ad litem for the purpose of preparing and pursuing appellant Wheeler's habeas corpus petition." This court's June 17, 2010, order did not direct the referee to make findings of fact or recommendations concerning whether there should be a stay of any proceedings or arrest of the judgment. The matter pending before the court, in which the court has appointed the referee to assist with the making of factual findings and recommendations, is solely Wheeler's motion for the appointment of a guardian ad litem; there is no motion for a stay or arrest of judgment pending before the court.

Therefore, if deemed necessary by the referee, any discovery, appointment of experts, evidentiary hearing, or other proceedings undertaken by the referee must be for the purpose of assisting the referee and, ultimately this court, in deciding the limited issues pending before the court, that is, whether appellant Wheeler is refusing to cooperate with counsel due to a mental disorder, such that his motion to have counsel appointed guardian ad litem for the purpose of pursuing habeas corpus relief should be granted. It is for the referee to decide whether the process by which it arrives at its findings and recommendations should consist of the referee's independent development of relevant evidence, or the parties' presentation to the referee of evidence they have developed, or some combination of those options. As to respondent's specific request for clarification, the issue of the payment of the expenses incurred in the development of any evidence presented to the referee will be a function of the method the referee pursues; if the parties are permitted and choose to present evidence to the referee, it is the parties' obligation to bear the expenses of developing that evidence.

S079925**PEOPLE v. MORA (JOSEPH
ADAM) & RANGEL (RUBEN)**

Order filed

Due to clerical error, the order filed in the above matter on August 15, 2011 is amended to read as follows:

Good cause appearing, and based upon Supervising Deputy State Public Defender Peter R. Silten's representation that he anticipates filing appellant Joseph Adam Mora's reply brief by January 15, 2012, counsel's request for an extension of time in which to file that brief is granted to October 14, 2011. After that date, only two further extensions totaling about 90 additional days are contemplated.

S167792**LOKER (KEITH THOMAS)
ON H.C.**

Motion to file document under seal denied

Petitioner's "Motion for leave to file under seal portions of certain exhibits in support of petition for writ of habeas corpus," filed April 29, 2011, is denied. The Clerk is directed to return Volume X of the exhibits to counsel for petitioner unless petitioner notifies the Clerk in writing within 10 days after the date of this order that the lodged exhibits are to be filed as part of the public record. (See Cal. Rules of Court, rule 8.46(e)(7).)

S188128

B212643 Second Appellate District, Div. 4

**LOS ANGELES COUNTY
METROPOLITAN
TRANSPORTATION
AUTHORITY v. ALAMEDA
PRODUCE MARKET, LLC**

Order filed

The request of counsel for respondents in the above-referenced cause to allow two counsel to argue on behalf of respondents at oral argument is hereby granted.

The request of respondents to allocate to Christopher Prince 10 minutes and Curt Cutting 20 minutes of respondents' 30-minute allotted time for oral argument is granted.

S194861**CALIFORNIA
REDEVELOPMENT
ASSOCIATION v.
MATOSANTOS (ANA)**

Order filed

The court's order of August 11, 2011, is modified to read as follows:

The request for a stay of chapter 5, Statutes 2011, First Extraordinary Session (Assembly Bill No. 26 X1) is granted, except that the request to stay Division 24, Part 1.8 of the Health and Safety Code (Health & Saf. Code, §§ 34161-34169.5) is denied.

The request for a stay of chapter 6, Statutes 2011, First Extraordinary Session (Assembly Bill No. 27 X1) is granted, except that the request to stay Health and Safety Code section 34194, subdivision (b)(2) is denied.

Ana Matosantos, Director of the California Department of Finance, John Chiang, Controller of the State of California, and Patrick O'Connell, Auditor-Controller of the County of Alameda, are ORDERED TO SHOW CAUSE before this court, when the above matter is called on calendar, why the relief sought by petitioners should not be granted.

The return is to be served and filed by respondents on or before September 9, 2011.

A reply may be served and filed by petitioners on or before September 23, 2011.

Any application to file an amicus curiae brief, accompanied by the proposed brief, may be served and filed on or before September 30, 2011.

Any reply to an amicus brief may be served and filed on or before October 7, 2011.

The parties are directed to address, in the return and reply, the following questions: Assuming solely for the sake of argument that the court's decision upholds both statutes and dissolves the existing stay, what effect would the stay have on the statutory dates for compliance, including those for enactment of an ordinance (Health & Saf. Code, § 34193, subd. (a)) and payment of the remittance amount (id., § 34194, subd. (d))? If it becomes necessary to postpone the statutory compliance dates, what should the new dates be?

The court does not contemplate extending any time set out above. The briefing schedule is designed to facilitate oral argument as early as possible in 2011, and a decision before January 15, 2012. Without expressing any opinion on the merits, the court intends that Assembly Bills No. 26 X1 and 27 X1 will, if upheld, be implemented with as little delay as possible.

Kennard, J., is of the opinion a stay should not be issued.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S195590

**McCLELLAN (GREGORY) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S194405

ACCUSATION OF GREEN

Petition denied (accusation)

S194415

ACCUSATION OF SIMMONS

Petition denied (accusation)

S192567**RUBIN ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with disciplinary charges pending of ANDREW ELLIS RUBIN, State Bar Number 62587, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) ANDREW ELLIS RUBIN remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move in the State Bar Court to be restored to active status, at which time the Office of Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by ANDREW ELLIS RUBIN to be restored to active status. Any return to active status will be conditioned on ANDREW ELLIS RUBIN's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.

S192573**FRIEND ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with disciplinary charges pending of ZACHARY S. FRIEND, State Bar Number 35930, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) ZACHARY S. FRIEND remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move in the State Bar Court to be restored to active status, at which time the Office of Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by ZACHARY S. FRIEND to be restored to active status. Any return to active status will be conditioned on ZACHARY S. FRIEND's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.

S192800**ZANGER ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with disciplinary charges pending of ANDREW M. ZANGER, State Bar Number 73268, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) ANDREW M. ZANGER remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move in the State Bar Court to be restored to active status, at which time the Office of Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by ANDREW M. ZANGER to be restored to active status. Any return to active status will be conditioned on ANDREW M. ZANGER's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.

